IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	**CRIM NO.** 1:16-CR-109
	)	
v.	)	**(JUDGE)**
	)	
MICHAEL MILLER, and	)	
JANIS TOLAN	)	

I N D I C T M E N T

FILED
SCRANTON
APR 26 2016
PER
DEPUTY CLERK

THE GRAND JURY CHARGES:

INTRODUCTION

AT ALL TIMES RELEVANT TO THIS INDICTMENT:

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives is a Department and Agency of the United States Government which is responsible for enforcement of this nation's federal firearms laws.

2. Under federal firearms laws only federal firearms licensees may engage in the business of commercially selling firearms in and affecting interstate commerce.

3. Federal firearms licensees have certain basic legal obligations under federal law. These obligations include:

(A) A responsibility to maintain complete, accurate and truthful records of firearms transactions conducted by the licensees;

(B) A responsibility to ensure that firearms purchasers provide accurate and truthful information to the federal firearms licensees; and

(C) A responsibility to ensure that firearms are not provided by the federal firearms licensees to felons, drug addicts, illegal aliens, or other persons who are forbidden under federal law from possessing firearms.

4. In order to ensure that federal firearms licensees meet these legal obligations, these licensees are required to accurately maintain certain records of firearms transactions, including federal firearms transaction records, ATF Form 4473s, in which gun buyers are required to certify to licensees that they are not prohibited from possessing firearms and that they are not purchasing firearms as straw party buyers for some other person.

5. In order to evade these legal requirements, "straw party" transactions occur in which a "straw party" fictitious purchaser acquires a firearm or firearms on behalf of some other person or persons. In a "straw party" purchase, the "straw party" buyer completes federal firearms transactions forms, but actually acquires the firearms for, and on behalf of, some other person or persons who is not identified as the true owner of the firearm or firearms. "Straw party" firearms purchases are frequently used by felons and other prohibited persons to illegally acquire firearms, and individuals attempting to evade the reporting requirements. "Straw party" firearms purchases are specifically forbidden under federal law. Any individual who knowingly participates in a "straw party" firearm or firearms purchase violates federal firearms laws.

THE GRAND JURY CHARGES THAT:

The Grand Jury incorporates by reference, as though fully set forth herein, the Introduction to this Indictment.

COUNT ONE

(Conspiracy to make false statement to licensee)

On or about December 12, 2015, in Dauphin County, within the Middle District of Pennsylvania, the defendants,

MICHAEL MILLER AND JANIS TOLAN,

knowingly, willfully, and unlawfully conspired, confederated and agreed with each other in connection with their acquisition of an AK-47 "Inter Ordinance" semi-automatic rifle from Broad Mountain Enterprises Inc., a licensed dealer, to knowingly make false and fictitious written statements which were likely to deceive said dealer as to a fact material to the lawfulness of the sale of the said firearm to the defendants under Chapter 44 of Title 18, in violation of Title 18, United States Code, Section 922(a)(6).

OVERT ACTS

Acts performed by the co-conspirators in furtherance of the conspiracy include but are not limited to:

(1) On December 11, 2015, **MICHAEL MILLER** told another individual in a recorded phone call that he would be taking a female to the gun show in case he wanted to get something.

(2) On December 12, 2015, **MICHAEL MILLER and JANIS TOLAN** attended a gun show at the Farm Show Complex in Dauphin County, Pennsylvania and shopped for firearms together.

(3) **MICHAEL MILLER** physically chose an AK-47 semi-automatic weapon to purchase and **JANIS TOLAN** submitted her identification to the vendor, Broad Mountain Enterprises, Inc.

(4) **JANIS TOLAN** then filled out the ATF Form 4473 as if she was the true purchaser of the firearm.

(5)**MICHAEL MILLER and JANIS TOLAN** then left the Farm Show and **MICHAEL MILLER** placed the firearm in the vehicle that the two parties then occupied.

All in violation of Title 18, United States Code, Section 371.

THE GRAND JURY FURTHER CHARGES THAT:

COUNT TWO
(Felon in Possession)

On or about December 12, 2015, in Dauphin County, within the Middle District of Pennsylvania, the defendant,

MICHAEL MILLER,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce, a firearm and ammuntion, that is, a AK-47 “Inter Ordinance” semi-automatic rifle, and ammunition consisting of Remington 16 gauge shotgun shells and 7.62 small arm cartridges, said firearm and ammunition having been shipped and transported in interstate

All in violation of Title 18, United States Code, Section 922(g) (1).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT THREE
("Straw Purchase" of a Firearm)

On or about December 12, 2015, in Dauphin County, within the Middle District of Pennsylvania, the defendant,

JANIS TOLAN,

in connection with her acquisition of an AK-47 "Inter Ordinance" semi-automatic rifle from Broad Mountain Enterprises Inc., a licensed dealer, knowingly made false and fictitious written statements, which statements were likely to deceive said dealer as to a fact material to the lawfulness of the sale of said firearm to the defendant under Chapter 44 of Title 18, in that **JANIS TOLAN** represented that she was the true purchaser of the firearm, when in fact she well knew that such statements were false and that she purchased the firearm for **MICHAEL MILLER.**

All in violation of Title 18, United States Code, Section 922(a) (6).

THE GRAND JURY FURTHER CHARGES THAT:

COUNT FOUR
(“Straw Purchase” of a Firearm)

On or about December 12, 2015, in Dauphin County, within the Middle District of Pennsylvania, the defendant,

MICHAEL MILLER,

knowingly, unlawfully, and intentionally aided, abetted, counseled, commanded, and induced **JANIS TOLAN**, in connection with her acquisition of an AK-47 “Inter Ordinance” semi-automatic rifle from Broad Mountain Enterprises Inc., a licensed dealer, to knowingly make false and fictitious written statements, which statements were likely to deceive said dealer as to a fact material to the lawfulness of the sale of said firearm to **JANIS TOLAN** under Chapter 44 of Title 18, in that **JANIS TOLAN** represented that she was the true purchaser of the firearm, when in fact she well knew that such statements were false and that she purchased the firearm for **MICHAEL MILLER.**

All in violation of Title 18, United States Code, Section 922(a)(6) and Section 2.

A TRUE BILL

[redacted]

PETER J. SMITH
United States Attorney

Christy H. Fawcett
CHRISTY H. FAWCETT
Assistant U.S. Attorney

Dated: 4-26-2016